

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Heuft et al.

Art Unit: 3652

Application No. 10/527,732

Examiner: Unassigned

Filed: March 14, 2005

For: APPARATUS FOR THE DISTRIBUTION
OF A RANDOM STREAM OF CYLINDRICAL
ITEMS, FOR EXAMPLE DRINKS BOTTLES,
INTO SEVERAL LANES

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir

Applicants hereby respond to the Notification of Missing Requirements dated August 26, 2005.

The Notification of Missing Requirements requires that Applicants submit the oath or declaration of the inventors with a surcharge of \$130.00. The Applicants have submitted the executed Combined Declaration and Power of Attorney to the U.S. Patent and Trademark Office along with a Communication and a surcharge of \$130.00 on August 26, 2005. Copies of the submitted documents are enclosed herewith for the Patent Office reference.

The Notification of Missing Requirements further states that the Annexes to the International Preliminary Examination Report have not been entered into the application's record because the translation of the Annexes is not a page per page substitution. To correct this defect, Applicants resubmit herewith an English translation of the application as filed, an English translation of the Annexes to the International Preliminary Examination Report and a Preliminary Amendment originally filed with the application on March 14, 2005, along with a surcharge of \$130.00 for late submission of the English translation. The formatting of pages of the English translation of the application and the Annexes has been adjusted so that it is a page per page substitution. No new matter has been added by the way of this submission. An entry of the Annexes and the Preliminary Amendment into the application's record is respectfully requested.

The items checked below are appropriate:

1. Status of Applicant

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

2. Documents Submitted Herewith

- a. ☐ Executed Declaration of inventor(s)
- b. ☐ Nucleotide and/or Amino Acid Sequence Submission:
 - i. ☐ Computer Readable Form (CRF)
 - ii. Specification Sequence Listing on:
 - (1) ☐ CD-ROM or CD-R (2 copies); or
 - (2) ☐ Paper Copy
 - iii. ☐ Statement verifying identity of above copies
- c. ☐ Verified English translation of application
- d. ☒ Copy of the Notification of Missing Requirements.
- e. ☐ Substitute Drawings
- f. ☒ Preliminary Amendment with Marked-up Specification, Substitute Specification and Abstract
- g. ☒ Other: Copy of English Translation of Patent Application as filed; English Translation of Annexes to International Preliminary Examination Report (Replacement Pages 1-4 and Replacement Claims); Copy of Communication regarding Submission of Executed Combined Declaration and Power of Attorney as filed with the U.S. PTO on August 26, 2005.

3. Fees

Application Filing Fee or Extra Claim Fee

APPLICATION FEES				
BASIC FEE				\$300.00
SEARCH FEE				\$500.00
EXAMINATION FEE				\$200.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	
Total Claims	-20=	13	x \$50.00	\$0.00
Independent Claims	- 3=	1	x \$200.00	\$0.00
<input type="checkbox"/> Multiple Dependent Claims(s) if applicable			+\$360.00	\$
Total of above calculations =				\$0.00
Reduction by 50% for filing by small entity =				\$()
Fee Due =				\$0.00

Late Filing of Oath or Declaration

Pursuant to 37 CFR 1.16(e), the surcharge for filing this Response is for ☐ other than a small entity or ☐ a small entity.

Fee Due \$ 0.00

Submitting a Translation of the Specification

Pursuant to 37 CFR 1.17(i), the surcharge for submitting an English translation of the Annexes to the International Preliminary Examination Report and the non-English specification is included.

Fee Due \$130.00

Extension of Time

- ☐ Applicants petition for a one-month extension of time under 37 CFR 1.136, the fee for which is .
- ☒ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Fee Due \$0.00

4. Total Fee Due

The total fee due is:

Application Filing Fee	\$0.00
Late Filing of Declaration Surcharge	\$ 0.00
Non-English Specification Surcharge	\$130.00
Extension of Time Fee	\$ 0.00

Total Fee Due: \$130.00

5. Fee Payment

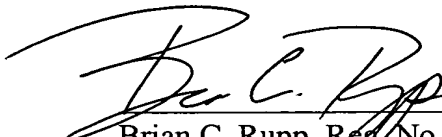
- ☐ Attached is a check in the sum of \$
- ☒ Charge Account No. 07-0181 the sum of \$130.00. A duplicate of this transmittal is attached.

6. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 07-0181. A duplicate of this transmittal is attached.

11/01/2005 HKAYPAGH 00000038 070181 10527732

01 FC:1618 130.00 DA


Brian C. Rupp, Reg. No. 35,665
One of the Attorneys for Applicant(s)
GARDNER, CARTON & DOUGLAS LLP
191 N. Wacker Drive, Suite 3700
Chicago, Illinois 60606-1698
(312) 569-1000 telephone
(312) 569-3000 facsimile
Customer No.: 08968

Date: October 24, 2005

In re Appln. of Heuft et al.
Application No. 10/527,732

Certification under 37 C.F.R. § 1.10

EV264893434US

October 24, 2005

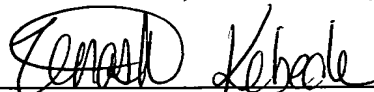
Express Mail mailing number

Date of Deposit

I hereby certify that the attached RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS, including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to Mail Stop PCT, Attn.: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Zemash Kebede

(Typed or printed name of person making deposit)



(Signature of person making deposit)

CH02/ 22415239.1

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ORNEY DOCKET NO.

TRANSMITTAL LETTER TO THE UNITED STATES

DESIGNATED/ELECTED OFFICE (DO/EO/US)

CONCERNING A FILING UNDER 35 U.S.C. 371 AND 37 CFR 1.491

P2442US

U.S. APPLICATION NO.

10/527,732

INTERNATIONAL APPLICATION NO.

PCT/EP2003/010112

INTERNATIONAL FILING DATE

11 September 2003 (11.09.03)

PRIORITY DATE CLAIMED

12 September 2002 (12.09.02)

TITLE OF INVENTION

APPARATUS FOR THE DISTRIBUTION OF A RANDOM STREAM OF CYLINDRICAL ITEMS, FOR EXAMPLE DRINKS BOTTLES, INTO SEVERAL LANES

APPLICANT(S) FOR DO/EO/US

HEUFT, Bernhard ; KRISTANDT, Gerd

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

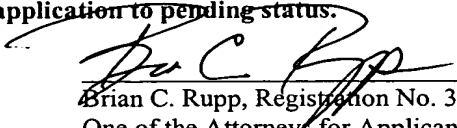
1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371 and 37 CFR 1.491.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371 and 37 CFR 1.491.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)).
4. ☐ The US has been elected (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☒ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☒ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).
11. Nucleotide and/or Amino Acid Sequence Submission
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ Paper Copy
 - c. ☐ Statement verifying identity of above copies

Items 12 to 19 below concern other document(s) or information included:

12. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
 - ☐ Form PTO-1449
 - ☐ Copies of Listed Documents
13. ☐ An assignment for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
14. ☒ A FIRST preliminary amendment.
 - ☐ A SECOND or SUBSEQUENT preliminary amendment.
15. ☒ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☐ Application Data Sheet Under 37 CFR 1.76
18. ☒ Return Receipt Postcard
19. ☒ Other items or information: Response to Notification of Missing Requirements; Copy of Notification of Missing Requirements; Marked-Up Specification; Abstract; Copy of Communication as filed with U.S. PTO on August 26, 2005

U.S. APPLICATION NO. 10/527,732		INTERNATIONAL APPLICATION NO. PCT/EP2003/010112		ATTORNEY DOCKET NO. P2442US	
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20. The following fees are submitted: <input type="checkbox"/> a) Basic national fee.....\$300.00 <input type="checkbox"/> b) Examination fee If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 All other situations\$200.00 <input type="checkbox"/> c) Search fee If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0.00 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100.00 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400.00 All other situations.....\$500.00 <div style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</div>				Calculations	PTO Use Only
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
-100=	/50=		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$0.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	8 -20=	0	x \$50.00	\$0.00	
Independent Claims	1 - 3 =	0	x \$200.00	\$0.00	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+ \$360.00	\$0.00	
TOTAL OF ABOVE CALCULATIONS=				\$0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$0.00	
SUBTOTAL=				\$0.00	
Processing fee of \$130.00 for furnishing English Translation later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date.				\$130.00	
TOTAL NATIONAL FEE=				\$130.00	
Fee for recording the enclosed assignment. The assignment must be accompanied by an appropriate cover sheet. \$40.00 per property				+	\$
TOTAL FEE ENCLOSED=				\$130.00	
				Amount to be: refunded	\$
				charged:	\$

a. <input type="checkbox"/> A check in the amount of \$ to cover the above fee is enclosed. b. <input checked="" type="checkbox"/> Please charge Deposit Account No. 07-0181 in the amount of \$130.00 to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-0181. A duplicate copy of this sheet is enclosed.	 Brian C. Rupp, Registration No. 35,665 One of the Attorneys for Applicant(s)
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NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Customer Number: 08968 Gardner Carton & Douglas LLP 191 N. Wacker Drive, Suite 3700 Chicago, Illinois 60606-1698	Date: October 24, 2005
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U.S. APPLICATION NO.
10/527,732

INTERNATIONAL APPLICATION NO.
PCT/EP2003/010112

ATTORNEY DOCKET NO.
P2442US

CERTIFICATION UNDER 37 CFR 1.10

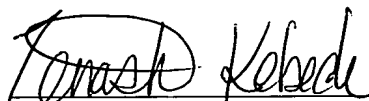
"Express Mail" Label Number: EV264893434US

Date of Deposit: October 24, 2005

I hereby certify that this express request to begin national examination procedures under 35 U.S.C. 371(f) of the International Patent Application referenced above, including all of the items listed thereon as enclosures, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Attention: DO/EO/US, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Zenash S. Kebede

Printed Name of Person Signing:


Signature

**EXPRESS MAILING CERTIFICATE
UNDER 37 CFR § 1.10**

Date of Deposit: October 24, 2005

"Express Mail" Mailing Number: EV264893434US

I hereby certify that the attached correspondence, including any documents or materials referred to thereon as enclosures or attachments, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:

Mail Stop PCT, Attn: DO/EO/US
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Title: APPARATUS FOR THE DISTRIBUTION OF A RANDOM STREAM OF
CYLINDRICAL ITEMS, FOR EXAMPLE DRINKS BOTTLES, INTO
SEVERAL LANES

Applicant(s): Heuft et al.

Application No.: 10/527,732 (U.S. National Phase of PCT/EP2003/010112)

Filing Date: March 14, 2005

Enclosed:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 USC 371 and 37 CFR 1.491 (3 pgs) and duplicate thereof (3 pgs)
2. Response to Notification of Missing Requirements (4 pgs) and duplicate thereof (4 pgs)
3. Copy of Notification of Missing Requirements (2 pgs)
4. English Translation of PCT Patent Application as filed comprising: Specification (12 pgs); Claims (1 pg); Abstract (1 pg); Four (4) Sheets of Drawings (Figs. 1-4; 4 pgs)
5. English Translation of Annexes to International Preliminary Examination Report: Replacement pages 1-4 (4 pgs) and Replacement Claims (1 pg)
6. Preliminary Amendment (6 pgs)
7. Marked-up Specification (19 pgs)
8. Substitute Specification (12 pgs)
9. Abstract (1 pg)
10. Copy of Communication for submission of Combined Declaration and Power of Attorney as filed with the U.S. PTO on August 26, 2005 (12 pgs)
11. Authorization to charge deposit account in the amount of \$130.00
12. Return postcard


Typed or Printed Name


Signature

Attorney Docket No. **P2442US**

Client No. 055981-0006

CH02/ 22415260.1



UNITED STATES PATENT AND TRADEMARK OFFICE

Rec PCT/PTO 24 OCT 2005

 UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/527,732	FIRST NAMED APPLICANT Bernhard Heuft	ATTY. DOCKET NO. P2442US
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INTERNATIONAL APPLICATION NO.

PCT/EP03/10112

I.A. FILING DATE	PRIORITY DATE
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09/11/2003

09/12/2002

08968

 GARDNER CARTON & DOUGLAS LLP
 ATTN: PATENT DOCKET DEPT.
 191 N. WACKER DRIVE, SUITE 3700
 CHICAGO, IL 60606

CONFIRMATION NO. 8843

371 FORMALITIES LETTER

OC000000016874442

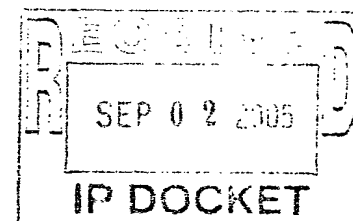
OC000000016874442

Date Mailed: 08/26/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/14/2005
- English Translation of the IA filed on 03/14/2005
- Copy of the International Search Report filed on 03/14/2005
- Copy of IPE Report filed on 03/14/2005
- Copy of Annexes to the IPER filed on 03/14/2005
- Preliminary Amendments filed on 03/14/2005
- Information Disclosure Statements filed on 03/14/2005
- Request for Immediate Examination filed on 03/14/2005
- Copy of references cited in ISR filed on 03/14/2005
- U.S. Basic National Fees filed on 03/14/2005
- Substitute Specification filed on 03/14/2005
- Priority Documents filed on 03/14/2005
- Non-English Language Application filed on 03/14/2005
- Specification filed on 03/14/2005
- Claims filed on 03/14/2005
- Abstracts filed on 03/14/2005
- Drawings filed on 03/14/2005



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application

by the International application number and international filing date.

- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because not a page per page substitution.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 308-9140 EXT 217

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/527,732	PCT/EP03/10112	P2442US